

August 27, 2012

VIA ECF

Honorable William E. Callahan
U.S. District Court of
Eastern District of Wisconsin
517 East Wisconsin Avenue
Milwaukee, WI 53202

Re: Poff v. Gempler, et al.
E.D. Wis. Case No: 09-CV-1165

Dear Judge Callahan:

I am in receipt of the Court's August 23, 2012 Order with regards to Plaintiff Jeff Poff's status to proceed *In Forma Pauperis* for the Appeal of the above referenced matter. Please consider this correspondence as additional information as to why Mr. Poff should be able to proceed with the Appeal of the above matter *In Forma Pauperis*.

The Court is correct that Mr. Poff saved a significant amount of money since his initial *In Forma Pauperis* was granted in January of 2010. However, Mr. Poff's intended use for those funds is to proceed with an appeal of his criminal conviction (State of Wisconsin v. Jeff Poff, Milwaukee County Case No. 2001-CF-5315), which he has not done to date. Due to his limited resources, he cannot afford both a civil and criminal appeal.

It is my understanding that not only is Mr. Poff responsible for the filing fee of the Appeal(\$455.00) but because this is a civil appellate matter, an indigent party, such as Mr. Poff, also is responsible for the cost of the trial transcript. On today's date, my office received an invoice from Mr. John Schindhelm, the court reporter for the trial in this matter, in the amount of \$1,600.00 which brings Mr. Poff's total costs and fees to \$2,055.00.

In October 2011, I became Mr. Poff's court-appointed attorney and proceeded on his behalf *pro bono*. While I was able to get a portion of my costs reimbursed through the United States District Court for the Eastern District of Wisconsin's Pro Bono

Reimbursement Plan, the Plan is vague as to whether a pro bono attorney is able to seek reimbursement for the cost of a trial transcript for use in an appellate matter. Pursuant to the Eastern District of Wisconsin's Pro Bono Reimbursement Plan Regulations, section B(1), there are limits as to what is reimbursable under the Plan. Moreover, the Regulations specifically state that "No costs associated with the preparation or presentation of an appeal to the United States Court of Appeals or United States Supreme Court shall be reimbursed unless otherwise approved by the Advisory Committee for the Administration of the District Court Pro Bono Fund and the chief judge upon prior application by the appointed attorney."

Therefore, I kindly request this Court to reconsider Mr. Poff's circumstances and allow him to proceed *In Forma Pauperis*. As with this current matter before the Court, I also have agreed to represent Mr. Poff *Pro Bono* with his criminal appeal in state court.

Thank you for your attention.

Respectfully,

GONZALEZ SAGGIO & HARLAN, LLP

s/Nathaniel Cade, Jr.

Nathaniel Cade, Jr.

NC/cn

cc: Melissa Rhone, Esq. (via ECF only)
Jeff Poff